IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23475 of 2003

Between:

Md. Moizuddin, S/o. Mohinuddin,
Agril. Extension Officer, Cost of cultivation Scheme,
Khammam.

..... PETITIONER

AND

1 The Registrar, ANGR Agriculttural University, Rajendernagar, RR District.
2 The Director, Cost of Cultivation, College of Agriculture,
Rajendernagar, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus directing the respondent to reinstate the Petitioner into service by setting aside the order of the respondent bearing No.64/ccs/2002 dt.
7-5-2002 and the action of the respondents in continuing the petitioner under prolonged suspension declaring the same to be illegal and consequently direct the respondents to reinstate the petitioner into service.

Counsel for the Petitioner: MR.K.ANANTHA RAO

Counsel for the Respondents: MR.B.SIVA REDDY

The Court made the following:

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ORDER:

When the writ petition was posted on 06-06-2005, none appeared for the petitioner, therefore the matter is posted for orders today; today also none appears for the petitioner.

Heard the learned counsel for the respondents.

The petitioner was placed under suspension, since he was arrested in a criminal case by Khammam I Town Police for the offence under Sections 420, 506, 468, 471 & 342 read with Section 34 of the Indian Penal Code and Section 12 of the Pass ports Act 1967.

The order, dated 07-05-2002, is under challenge on the alleged ground that when the petitioner was placed under suspension, the respondents are duty bound to consider the reinstatement of the petitioner into service immediately after his release on bail, in view of the fact that the charges are nothing to do with the official duty.

When the petitioner was detained in the judicial custody for more than 48 hours, he is deemed to be under suspension.

Basing on the letter of the Superintendent of Police, dated

27-04-2002, the impugned proceedings have been passed placing the petitioner under suspension. Though the charges levelled against the petitioner are nothing to do with discharge of official duties by the petitioner, the fact remains that he was in

the judicial custody for more than 48 hours. After release of the petitioner on bail, his case has not been considered by the respondents is not a ground for revoking the suspension order. The said allegation in the affidavit is not sufficient for setting aside the impugned order, dated 07-05-2002. Therefore, the writ petition is devoid of merits.

Accordingly, the Writ Petition is dismissed without any order as to costs.

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K.C.BHANU, J

Dated: 07-06-2005

LSK

To

1 The Registrar, ANGR Agricultttural University, Rajendernagar, RR District.
2 The Director, Cost of Cultivation, College of Agriculture,
Rajendernagar, Ranga Reddy District.

3 Two C.D. copies.